

## Message Text

SECRET

PAGE 01 STATE 299818

71

ORIGIN ORM-02

INFO OCT-01 ISO-00 DHA-02 ARA-06 INR-07 SS-15 L-03 SSO-00  
INRE-00 /036 R

DRAFTED BY D/HA/ORM:LARTHUR:CML

APPROVED BY D/HA - JLCARLIN

ARA/CCA - THOLLADAY

ARA/CAR - GDESANTILLANA

----- 068116

O 092343Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY PORT AU PRINCE IMMEDIATE

S E C R E T STATE 299818

STADIS////////////////////////////////////

E.O. 11652: XGDS-2 (IMPOSSIBLE TO DETERMINE)

TAGS: SREF, CU, HA

SUBJECT: POSSIBLE CUBAN ASYLUM SEEKER

REF: (A) STATE 297735; (B) PORT AU PRINCE 3422; (C)  
2 FAM 227, 228, AND 229; (D) 74 STATE A6610

1. EMBASSY'S ATTENTION IS DIRECTED TO REFS C AND D WHICH  
PERTAIN TO U.S. ASYLUM POLICY. EMBASSY IS REQUESTED TO  
IMMEDIATELY NOTIFY DEPT. PER REPORTING REQUIREMENTS OF  
2 FAM 228.5 SHOULD CUBAN SOCCER PLAYER(S) APPROACH EMBASSY  
SEEKING ADMISSION INTO U.S.

2. IT IS U.S. POLICY TO VIEW ASYLUM AS THE RIGHT AND  
RESPONSIBILITY OF THE GOVERNMENT OF THE COUNTRY IN WHICH  
THE REQUEST IS MADE. THEREFORE, THIS WOULD ESSENTIALLY BE  
A CUBAN/HAITIAN PROBLEM.

3. FYI - SIMILIAR CASES HAVE OFTEN INVOLVED A DESIRE ON  
THE PART OF THE ASYLUM SEEKER FOR ADMISSION INTO THE U.S.

SECRET

SECRET

PAGE 02 STATE 299818

WHILE WE WOULD BE SYMPATHETIC TO THE INDIVIDUAL'S DESIRE

NOT TO RETURN TO, IN THIS INSTANCE, CUBA, WHERE HE MIGHT FACE PERSECUTION, HIS DESIRE FOR ADMISSION INTO THE U.S. DOES NOT OBLIGATE THE U.S. TO TAKE RESPONSIBILITY FOR THE ASYLUM SEEKER. THIS IS A PROPER ROLE FOR THE UN HIGH

COMMISSIONER FOR REFUGEES WHO WOULD SEEK TO OBTAIN ASSURANCES THAT THE INDIVIDUAL WOULD NOT BE FORCIBLY REPATRIATED TO CUBA AND ALSO TO PROVIDE RESETTLEMENT ASSISTANCE TO THE REFUGEE. THE COOPERATION OF HOST GOVERNMENT AUTHORITIES IS ESSENTIAL IN THESE CASES. SHOULD SUCH A SITUATION ARISE AND UPON REQUEST OF THE EMBASSY, DEPT. WOULD IMMEDIATELY NOTIFY UNHCR HEADQUARTERS GENEVA AND SEEK THEIR ASSISTANCE IN PREVENTING FORCIBLE REPATRIATION OF SUCH AN INDIVIDUAL.

4. THE ONLY METHOD FOR SUCH AN INDIVIDUAL'S ENTRY INTO THE U.S. WOULD BE THROUGH PAROLE AUTHORITY CONTAINED IN SECTION 212(D)(5) OF THE INA. PAROLE IS A DISCRETIONARY POWER WHICH RESTS WITH THE ATTORNEY GENERAL AND IS JUDICIOUSLY EXERCISED BY THE INS. IT IS ONLY CONSIDERED IN EMERGENCY SITUATIONS WHEREBY THE INDIVIDUAL IS IN IMMINENT DANGER OF BEING FORCIBLY REPATRIATED TO HIS COUNTRY OF NATIONALITY WHERE HE WOULD LIKELY SUFFER PERSECUTION AND THE INDIVIDUAL HAS EXHAUSTED ALL OTHER ALTERNATIVES FOR OTHER THIRD COUNTRY PLACEMENT. IN CASES WHERE PAROLE HAS BEEN AUTHORIZED, HOST GOVERNMENT COOPERATION IS ESSENTIAL SINCE WITHOUT IT THE INDIVIDUAL WOULD BE UNABLE TO LEAVE THE COUNTRY AND THE U.S. DOES NOT PRACTICE THE POLICY OF DIPLOMATIC ASYLUM IN ITS EMBASSIES AS A NUMBER OF LATIN AMERICAN AND EUROPEAN COUNTRIES DO. END FYI.

5. SHOULD SUCH A SITUATION ARISE, EMBASSY IS REQUESTED TO ADVISE DEPT. REGARDING ITS ASSESSMENT OF POSSIBLE GOH REACTION; WHETHER GOH WOULD COOPERATE WITH EFFORTS AIMED AT OBTAINING THIRD COUNTRY RESETTLEMENT FOR INDIVIDUAL (S), OR WHETHER GOH WOULD RETURN INDIVIDUAL TO CUBAN AUTHORITIES. EMB OFF SHOULD NOT RPT NOT CONTACT GOH AUTHORITIES IN DEVELOPING RESPONSE TO THESE QUESTIONS. IF SUCH A CASE DOES DEVELOP AND IT IS CRYSTAL CLEAR TO EMBASSY

SECRET

SECRET

PAGE 03 STATE 299818

THAT GOH WOULD NOT COOPERATE IN ANY RESPECT WITH ATTEMPTS TO OBTAIN THIRD COUNTRY RESETTLEMENT AND THAT GOH AUTHORITIES WOULD TURN INDIVIDUAL OVER TO CUBAN AUTHORITIES, EMBASSY SHOULD, UPON CONCURRENCE OF DEPT. DISCOURAGE INDIVIDUAL'S STAY IN EMBASSY ANY LONGER THAN ABSOLUTELY NECESSARY AND INFORM HIM OF OUR INABILITY TO ASSIST HIM IN HIS DESIRE NOT TO RETURN TO CUBA. ROBINSON

SECRET

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLITICAL ASYLUM, POLICIES, ATHLETES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 DEC 1976  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** saccheem  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE299818  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** LARTHUR:CML  
**Enclosure:** n/a  
**Executive Order:** X2 (IMPOSSIBLE TO DETERMINE)  
**Errors:** N/A  
**Film Number:** D760455-0866  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761257/aaaabwug.tel  
**Line Count:** 114  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN ORM  
**Original Classification:** SECRET  
**Original Handling Restrictions:** STADIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** SECRET  
**Previous Handling Restrictions:** STADIS  
**Reference:** 76 STATE 297735, 76 PORT AU PRINCE 3422  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** saccheem  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 14 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <14 MAY 2004 by woolflhd>; APPROVED <07 SEP 2004 by saccheem>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** POSSIBLE CUBAN ASYLUM SEEKER  
**TAGS:** SREF, CU, HA, US  
**To:** PORT AU PRINCE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006